

REGULAR MEETING OF THE GREENBELT CITY COUNCIL held Monday, March 27, 2017.

Mayor Jordan called the meeting to order at 8:15 p.m.

ROLL CALL was answered by Councilmembers Judith F. Davis, Konrad E. Herling, Leta M. Mach, Silke I. Pope, Edward V. J. Putens, Rodney M. Roberts and Mayor Emmett V. Jordan.

ALSO PRESENT were Nicole Ard, City Manager; David E. Moran, Assistant City Manager; John Shay, City Solicitor; Karen Ruff, Associate of the City Solicitor; and Cindy Murray, City Clerk.

Mayor Jordan asked for a moment of silence in memory of former Greenbelt residents Tom McArdle, Chanel Nicole “Nikki” Hugley and Roger “Buck” Hill, and former residents Laurence “Bucky” Fitzgerald, III and Elbert Morris. Mr. Putens then led the pledge of allegiance to the flag.

CONSENT AGENDA: It was moved by Mr. Putens and seconded by Ms. Davis that the consent agenda be approved. The motion passed 7-0.

Council thereby took the following actions:

Minutes:

Work Session, February 6, 2017

Work Session, February 15, 2017

Regular Meeting, March 13, 2017

Approved as presented.

Approval of Naming Policy for Certain City Spaces: Council approved the Friends of the Greenbelt Museum “The Dan and Mary Lou Searing Accessible Sidewalk” Gift Agreement and the plaque style and language.

Reappointments to Advisory Groups: Council reappointed Elsie Waynes to a new term on the Advisory Committee on Education and Donald Martin to a new term on the Board of Appeals.

Resignation from Advisory Group: Council accepted the resignation of Alejandra Berumen from the Community Relations Advisory Board.

APPROVAL OF AGENDA: It was moved by Mr. Putens and seconded by Ms. Mach that the agenda be approved. The motion passed 7-0.

PRESENTATIONS:

Oath of Office – New Greenbelt Police Officers: Acting Chief Tom Kemp introduced James Derek Bowne, Bryan Fink, Carl Roberson and Travis Wagner, Greenbelt’s newest

Police Officers. Mayor Jordan administered the oath of office to Mr. Bowne, Mr. Fink, Mr. Roberson and Mr. Wagner. Council welcomed the new police officers.

Welcome Home Vietnam Veterans Proclamation: Mayor Jordan issued a proclamation in recognition of Welcome Home Vietnam Veterans Day. Michael Moore, Commander of Greenbelt American Legion Post 136, received the proclamation and spoke about the service and sacrifice of all veterans. Ben Marcantonio, President and Chief Executive Officer of Hospice of the Chesapeake, spoke about the 3<sup>rd</sup> Annual Welcome Home Vietnam Veterans Day Celebration scheduled for March 30, 2017, at Martin's Crosswinds.

Arbor Day Proclamations: Mayor Jordan issued a proclamation in recognition of Arbor Day. Brian Townsend, Horticulture Supervisor, received the proclamation and provided an overview of this year's Arbor Day plans.

Proposed FY 2018 City Budget: Ms. Ard presented her proposed FY 2018 budget for the City. In her overview, she noted that the proposed budget was 4.3% higher than the FY 2017 budget. Ms. Ard advised that property assessments were up an average of 12.7% for single family, townhome and condominiums, and 1.2% for apartments. She noted that commercial property assessments had decreased 1.1%.

Ms. Ard provided an overview of the FY 2017 accomplishments. She then discussed the financial and operational plan for FY 2018 which was influenced by Council's goals.

Ms. Ard discussed that staff is monitoring the uncertainty of federal funding priorities and preparing for the potential impacts on the city and regional economy, as well as the city's funding of services such as for the senior and disabled residents at Green Ridge House.

Ms. Ard noted several key points in the proposed FY 2018 budget including: no tax rate increase; no waste/recycling fee increase; continued increase in income tax receipts; growth in hotel/motel taxes; continued decrease in corporate property taxes; proposed capital projects and economic development; addition of a half-time public information specialist position; funding of a 2% cost of living adjustment and merit/step increases; and increases in health insurance and minimum wage.

The Mayor and other Councilmembers thanked Ms. Ard and staff for all the work that went into the preparation of the budget.

#### PETITIONS AND REQUESTS:

Brian Almquist, speaking on behalf of Greenbelt Advocates for Environmental and Social Justice, read a petition opposing a new dog park on Parcel 7. (Copy of petition attached to minutes.)

Tanja Owe, 101 Hedgewood Drive, submitted a petition requesting reconsideration of the process to determine site selection of a new dog park. (Copy of petition attached to minutes.)

Theodora Scarato, 6-S Hillside Road, requested Council contact the state delegation and note its opposition to Senate Bill 19 (MOBILE NOW Act).

Edith Beauchamp, 7700 Ora Court, requested Council work together with other local governments, as well as the state and national governments, to address the matters of fraudulent home foreclosures and squatters occupying vacant homes.

Colin Byrd, 7014 Mathew Street, spoke about the request he made at the last meeting for Council to send a letter to Secretary DeVos. He requested Council send a letter to President Trump and the Environmental Protection Agency Administrator Pruitt to recognize and acknowledge that climate change is real. Mr. Byrd also said he would like to know the amount of city funds used for hotel stays, business lunches, etc.

Bob Snyder, 12-A Hillside Road, spoke about the advisory group minutes on the City website.

Bill Orleans made two disrespectful comments. He then commented on past executive sessions of council.

Ric Gordon, 9179 Springhill Lane, spoke about plans for a voter registration rally in Franklin Park.

#### MINUTES:

Statement for the Record - Executive Session of March 27, 2017: Ms. Davis moved that in accordance with the General Provisions Article, Section 3-306(c)(2) of the Annotated Code of Public General Laws of Maryland, the minutes of tonight's meeting reflect that Council met in executive session on Monday, March 27, 2017, at 7:36 p.m. in the Library of the Municipal Building. Council held this closed meeting in accordance with the General Provisions Article 3-305(b)(9) of the *Annotated Code of the Public General Laws of Maryland* to discuss collective bargaining negotiations or consider matters that relate to the negotiations between Fraternal Order of Police Lodge 32 and the City.

Vote to close session:

	Yes	No	Abstain	Absent
Ms. Davis	X			
Mr. Herling	X			
Ms. Mach	X			
Ms. Pope	X			
Mr. Putens	X			
Mr. Roberts	X			
Mayor Jordan	X			

The following staff members were in attendance: Nicole Ard, City Manager; Karen Ruff, Associate of the City Solicitor; and Jeffrey Williams, City Treasurer.

Other individuals in attendance: Stephen Silvestri, Legal Counsel (by conference call).

Council took no actions during this session.

Ms. Pope seconded.

ROLL CALL:	Ms. Davis	-	yes
	Mr. Herling	-	yes
	Ms. Mach	-	yes
	Ms. Pope	-	yes
	Mr. Putens	-	absent (during vote)
	Mr. Roberts	-	yes
	Mayor Jordan	-	yes

ADMINISTRATIVE REPORTS: Ms. Ard noted her written weekly report and provided an update on the water line replacement work in Lakeside. She also mentioned the Business Coffee scheduled for Wednesday.

Open Meetings Act Compliance Board Opinion Required Statement: Mayor Jordan read the following statement.

*"Brian Almquist filed a complaint with the State Open Meeting Compliance Board alleging that the City violated the Open Meetings Act regarding 12 closed meetings of the City Council held between March 9 and October 31, 2016. Mr. Almquist alleged that "the Council: (1) failed to meet the requirements of the "personnel matters" public meeting exception; (2) failed to prepare closing statements that convey enough detail about the topic discussed and the reason for excluding the public from the meetings; and (3) omitted and concealed material information about the closed meetings of June 14, June 27, July 20, and July 21.*

*The Board issued its opinion and initially found "this is not a case in which a public body concealed the occurrence of secret meetings from the public or simply disregarded the Act." It found that at its March 16, May 18 and May 25 closed sessions the City Council was performing an administrative function when it discussed the transition of individual employees and the evaluation of an individual employee. The Board also found that the City Council's March 9 meeting regarding succession planning was administrative in nature. Accordingly, it found that these four meetings were not subject to any provision of the Act. As to the City Council's October 31 meeting to interview applicants for the position of city manager, the Board found that it fell within the personnel exception of the Act and was a proper executive session topic.*

*However, the Board found that the notice the City gave for its October 31 meeting and the other meetings, and its disclosures about them, did not meet the Act's requirements*

*and that the Council interpreted too broadly the scope of the Act's permission to discuss certain personnel matters in closed session. The Board found that the City erred in the following ways:*

- 1. By closing the following City Council meetings: March 23 (discussion about hiring a search firm), June 14 and 21, and July 20 and 21 (interviews of search firms), and July 6 and August 3 (discussions about the interviews of the firms), as they did **not** fall within either the administrative function exclusion or the personnel matters exception.*
- 2. By posting that the eight (8) meetings that the Board found were subject to the Act only as an "Executive Session." The Board concluded that these notices did not inform the public of its right to observe the vote to close the meeting.*
- 3. By voting at its public meetings to hold a closed meeting at a future date.*
- 4. By failing to specify, on its written statements, the topics to be discussed and its reasons for excluding the public from the discussion. That is, two (2) post session summaries omitted the names of some of the "persons present" at those meetings, which, I might add, that the City realized and corrected before the complaint was even filed.*

*The Board declined to address the allegation that the public was improperly excluded from participating in the city manager hiring process, as it found that the allegation did **not** state a violation of the Act".*

Mr. Shay then commented on the findings of the State Open Meetings Compliance Board. He noted that the city will be submitting additional evidence in regards to these findings which may lead to reconsideration of part of the opinions.

#### LEGISLATION:

An Ordinance to Amend Greenbelt City Code, Chapter 2 "Administration," Article IV, "Public Ethics," Sec. 2-111 "Financial Disclosure – Elected Officials, Appointed Officials and Employees" to Amend the Real Property and City Employment Reporting Requirements for Certain Employees

Mayor Jordan read the agenda comments.

Ms. Pope introduced the ordinance for second reading and adoption.

Mr. Putens seconded.

Mr. Roberts indicated he would vote against the Ordinance because he did not agree with amending the real property reporting requirements for the Assistant City Manager, City Clerk, Assistant Directors of City Departments and Police Captains. Mayor Jordan agreed.

ROLL CALL: Ms. Davis	-	yes
Mr. Herling	-	yes
Ms. Mach	-	yes

Ms. Pope	-	yes
Mr. Putens	-	yes
Mr. Roberts	-	no
Mayor Jordan	-	no

The ordinance was declared adopted (Ordinance No.1351, Book 12).

AUDIT SERVICES FOR FY 2017: Mayor Jordan read the agenda comments.

Ms. Davis suggested that the City issue a Request for Proposals (RFP) for auditing services for a three year period.

Mr. Roberts moved that Council direct staff to issue a RFP for auditing services.

No second was received.

Mr. Putens moved that Council retain Cohn Reznik LLC for auditing services for Fiscal Year 2017 and Fiscal Year 2018.

Mr. Herling seconded.

Colin Byrd, Mathew Street, commented on the importance to select the appropriate auditing firm. He noted that Greenbelt has a significantly lower bond rating than the City of Bowie and suggested the City look at the auditing firm employed by Bowie. Mr. Williams explained the bond rating consideration and explained that Bowie is a different size municipality and is under a different bond rating consideration than Greenbelt. He noted that Greenbelt has an excellent bond rating for a municipality its size.

The motion passed 6-1. (Roberts)

FOOD TRUCK HUB AT CAPITAL OFFICE PARK: Mayor Jordan read the agenda comments.

Ms. Bellah explained that Morning Calm Management is seeking a letter of support for its license application to establish a Food Truck Hub at Capital Office Park. She said the proposed hub consists of two (2) to five (5) vehicles which would operate on their premises during weekday office hours. Ms. Bellah reviewed the proposed concept plan for the Food Truck Hub.

Ms. Bellah said applications to establish a Food Truck Hub are administered as a license under the County's Department of Permitting, Inspections and Enforcement (DPIE). She added that the license is renewed annually and a County Oversight Committee provides support and oversight of the program.

Ms. Bellah advised that Food Truck Hubs located within a municipality must seek a letter of support from that municipality. She noted that the Advisory Planning Board (APB) voted 4-0 at its March 8, 2017 meeting to recommend Council support this project. Ms. Bellah added that

APB recommended Capital Office Park work with the Marriott Hotel to advertise the Food Truck Hub.

Bill Shipp, representing Morning Calm (owners of Capital Office Park), said Morning Calm is committed to making a long term investment in Capital Office Park to make the area more active and vibrant. He noted the popularity of food truck hubs with millennials.

Mr. Roberts said he has no problem with food trucks in general, but has a problem with the County bill which makes traditional food trucks illegal.

Ms. Davis said she was opposed to the air conditioned/heated tent structure which she has seen in other areas and considers eyesores. She noted that she would not approve of the plans if the tent structure was included.

In response to a question from Mr. Herling, Ms. Bellah said there is no quantitative analysis of the impact of food trucks on local restaurants.

Mr. Putens said the city needs licensing authority of food trucks. Ms. Davis said enforcement and maintenance of all food trucks in the city needs to be included in the City Code.

Mr. Kapastin, Quantum Management, spoke about his letter to Council dated March 24, 2017, indicating his opposition to the Food Truck Hub at Capital Office Park. He noted the negative impact the Food Truck Hub will have on permanent brick and mortar restaurants throughout the city.

Mr. Shipp said Capital Office Park wants to be a good neighbor and invested member of the community. In response to a question from Ms. Davis, he said they would be supportive of and willing to publicize information on all restaurants in the city.

Ms. Mach said she was not a fan of food trucks or most restaurants. However, she noted that she is in favor of having food choices available.

Ms. Davis moved that Council support the Food Truck Hub with the stipulation that the air conditioned/heated tent structure not be included. Ms. Pope seconded.

Mr. Orleans, Greenbelt, noted his opposition to the Food Truck Hub.

The motion passed 7-0.

SUBMISSION OF URBAN LAND INSTITUTE TECHNICAL ASSISTANCE PANEL APPLICATION: Mayor Jordan read the agenda comments.

Ms. Ard advised that at the work session on March 20, representatives from College Park and Berwyn Heights Councils agreed to work cooperatively with Greenbelt to address Greenbelt Road improvements. The elected officials present tasked staff to explore a Technical Assistance Panel (TAP) program offered by the Urban Land Institute (ULI) in partnership with the

Metropolitan Washington Council of Governments (COG) for improvements to Greenbelt Road from Rt. 1/Baltimore Avenue to near Greenbelt Middle School. Ms. Ard noted that staffs from the municipalities have not yet met as a group.

In response to a question from Ms. Pope, Ms. Ard said that a typical TAP costs \$20,000 and the local jurisdiction must contribute 50%. She added that the cost to the city would be dependent on the jurisdictions and other partners that chose to participate.

Ms. Ard explained that TAP's are a panel of 10-12 senior level experts who work over a concentrated timeline to evaluate local development and land use challenges. She said the panel takes place over 1.5 days with a report of recommendations completed thereafter.

Mr. Roberts expressed concern that only 1.5 days of work is not enough time to do an in-depth evaluation and make recommendations. He said he would not support participation in the TAP as proposed.

Ms. Pope expressed concern about students crossing Greenbelt Road by Greenbelt Middle School and wants to be sure this area is included in the evaluation.

Mayor Jordan mentioned that a TAP program partnership between the three municipalities would be attractive to COG.

Ms. Mach noted that residents from the senior housing on Rhode Island Avenue at Greenbelt Road need good pedestrian access going east on Greenbelt Road.

After further discussion, Ms. Mach moved that Council direct staff to work together with the Town of Berwyn Heights and City of College Park to explore a Technical Assistance Panel (TAP) program grant for Greenbelt Road improvements from Rhode Island Avenue to Greenbelt Middle School.

Ms. Davis seconded.

The motion passed 6-1. (Roberts)

COUNCIL ACTIVITIES: Council noted their attendance at the following events.

Metropolitan Washington Council of Governments (COG) Clean Air Partners Conference  
Call – Ms. Mach

Prince George's County Science Fair (Judge for Clean Air Partner's Award) – Ms. Mach  
Maryland Municipal League (MML) Engagement and Outreach Committee Meeting –  
Ms. Mach

Cookies at the Bridge – Ms. Mach and Mr. Herling

MML If I Were Mayor Contest Presentation at Springhill Lake Elementary School and  
Greenbelt Elementary School – Mayor Jordan and Ms. Pope

Journey to Health Fitness and Awareness Fair – Mayor Jordan, Ms. Davis and  
Mr. Herling



MML Legislative Committee Conference Call – Ms. Davis  
COG Chesapeake Bay Policy Committee Meeting – Ms. Davis  
Prince George’s Elected Municipal Women’s Meeting – Ms. Davis  
Staybridge Suites in Lanham Open House – Ms. Davis  
Anacostia Trails Heritage Area Governing Board Meeting – Ms. Davis

COUNCIL REPORTS: None

MEETINGS: Council reviewed the meeting schedule.

ADJOURNMENT: Ms. Mach moved to adjourn the meeting. Mr. Putens seconded. The motion passed 7-0.

Mayor Jordan adjourned the regular meeting of Monday, March 27, 2017, at 11:54 p.m.

Respectfully submitted,

Cindy Murray  
City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held March 27, 2017.

Emmett V. Jordan  
Mayor

## Petition

My name is Brian Almquist. I am making this petition on behalf of Greenbelt Advocates for Environmental and Social Justice and the residents that have signed our petition asking council to oppose the construction of a dog park on the parcel of land in Boxwood Village referred to as Parcel 7.

Tonight we are submitting over 80 signatures from Boxwood residents supporting our petition.

According to the package of materials provided at the March 6 council work session, Council is looking at two proposed locations on Parcel 7, which are referred to as Parcel 7-Lastner Lane and Parcel 7-Ivy Lane. Council has identified Parcel 7-Ivy Lane as the best location of the two proposed for Boxwood Village. Two additional locations are under consideration, which are not in Boxwood Village.

We petition Council to oppose the construction of a dog park in the Boxwood Village neighborhood on Parcel 7, which is located north of Crescent Road, west of Lastner Lane, south of Ivy Lane, and east of Ridge Road. This parcel includes the wooded areas known as the Boxwood Preserve and the open areas maintained as open play areas, a playground, and a basketball court. The proposed location for the dog park is the open play area between the Boxwood Preserve and Ivy Lane where the basketball court is now located. We are opposed to both locations proposed for Boxwood Village.

According to City Code the Boxwood Preserve is in the Forest Preserve program. According to the Forest Preserve Guidelines, the provisions of the Forest Preserve program do not technically apply to the open areas; however, due to the significance of these open areas to residents of Boxwood Village, the Forest Preserve Guidelines provide, as a contingency, that the open areas be as diligently protected as the wooded areas in the Forest Preserve program. This contingency is similar to the one used to protect the community gardens.

If we accept that Greenbelt needs a second dog park, we contend it should be constructed in a location that minimizes conflicts. Important considerations are: impact on residences from noise, smells and lights (the lights at the existing dog park on Hanover Parkway are on until 11 p.m.); protection of natural areas to avoid conflicts with wildlife and sensitive habitats; availability of readily accessible parking to avoid burdening existing neighborhoods; distance from traffic to ensure the safety of dogs and people; and the protection of existing recreational uses and open play areas.

If the dog park were to be constructed on the Boxwood parcel, it would be only 50 feet from the closest home; disturb protected wildlife and sensitive habitats due to it being located adjacent to the Boxwood Preserve; put a burden on parking in the neighborhood; expose dogs and people to a lot of traffic (Ivy Lane is heavily traveled by cars and buses (Metro, University of Maryland and Greenbelt Schools all have stops on Ivy Lane)); require the removal of the existing basketball court, which is used by residents of Boxwood Village and Lakeside North Apartments; and take from nearby residents access to limited open play areas.

The City can review processes used by other municipalities from around the country to successfully locate dog parks. An excellent example is the process used by the Parks and Recreation Department of Ann Arbor Michigan, which requires input by the public and the establishment of appropriate criteria.

We contend that if the City had used a process marked by input by the public and the use of appropriate criteria, it would have determined that any location proposed for the Boxwood Village parcel is not an appropriate location for a dog park.

Brian and Donna Almquist

Greenbelt Advocates for Environmental and Social Justice

Members of Greenbelt City Council,

In my view, the City's site selection process for the proposed dog park has been arbitrary and agenda-driven. I **request that Council reconsider the process that has excluded some sites and highlighted others.**

I am basing the above-described perception on the publicly available documents on the 6 March City Council Work Session. For example, in an email, the former city manager wrote, *"There were a dozen people there in support of a second dog park. Using your list of possible dog park locations, there was consensus to look further into 3 locations – Ivy Lane, Ridge Road, and Candy Cane City."* This email prompts several questions:

- Who, specifically, narrowed the list to those three locations? Under what authority?
- On what information was this consensus based?
- What process was used to eliminate several sites from the list?

The City's list of possible sites includes estimated cost, pros, and cons for each site. The matrix is incomplete, subjective, and misleading. For example:

1. The **huge differences in estimated cost** are problematic because it is not immediately apparent that the estimates are for different-sized dog parks. This makes for a somewhat biased presentation.
2. A pro for the Ivy Lane site reads **"close to animal shelter; possible use for shelter events."** My understanding is that the City has been asked to find a site that would best serve the citizens of Old Greenbelt, not the animal shelter.
3. A pro for the Ivy Lane site is **on-street parking**. Why is on-street parking considered a pro, especially when other sites have off-street or designated parking? Also, a con for the Ivy Lane site is "parking conflict." How can parking at the Ivy Lane site constitute both a pro and a con?
4. A pro for the Ivy Lane site reads **"not in forest preserve."** This "pro" is actually a carefully disguised con. According to the City's Forest Preserve Guidelines, the Boxwood Preserve is *"a partially wooded, partially cleared parcel... These open and play areas provide one of only a few public play areas in the Boxwood area. These are important recreation areas and should be protected... as diligently as would be the wooded areas through the forest preserve program..."* In sum, the proposed dog park would violate this guideline. The fact that the matrix fails to mention this as a point of consideration appears to be intentional.

In conclusion, the City's site selection process, in my view, has been arbitrary and agenda-driven. The incomplete and misleading matrix should not be used to inform decision-makers. Other municipalities, like Prince George's County, Montgomery County, and Ann Arbor, have utilized a **scoring system** where every possible site is judged against the **same set of criteria** (0 points for on-street parking, 10 points for designated parking, etc.). Such point-based systems are fair, objective, and transparent. I encourage the City to utilize such a system (see the following pages for more information) to achieve the same level of fairness, objectivity, and transparency for a decision as consequential as this one.

Thank you so much for your time and consideration.

Tanja Owe, 101 Hedgewood Drive, tanjaowe@yahoo.com